

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Hildebrand et al.	Group Art Unit:	3767
Application No.:	10/773,965	Examiner:	C. Witczak
Filing Date:	6 February 2004	Atty Dkt:	P-11472.00
For:	DELIVERY OF A SYMPATHOLIC CARDIOVASCULAR AGENT TO THE CENTRAL NERVOUS SYSTEM TO COUNTER HEART FAILURE AND PATHOLOGIES ASSOCIATED WITH HEART FAILURE		

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION
UNDER 37 CFR 1.321**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Medtronic, Inc., of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/903,599, filed on 30 July 2004, of any patent on the pending second application. Medtronic hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the

second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, Medtronic does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

The Commissioner is hereby authorized to charge \$130.00 to Deposit Account Number 13-2546 to cover the cost of the disclaimer. Any deficiency or overpayment should be charged or credited to Deposit Account No. 13-2546.

Respectfully submitted,

Date: August 15, 2006

/Paul H. McDowall/
Paul H. McDowall
Reg. No. 34,873
(763) 514-3351
Customer No. 27581